

**CITY COMMISSION MEETING  
JANUARY 9, 2012  
7:00 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor  
Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2  
Charles Smith, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Staff Present

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
John Foley, City Engineer  
Rick Wells, Chief of Police  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

Swearing-in of all persons intending to address City Commission.

Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

Attorney Barnebey requested that Commission consider an emergency ordinance to place a moratorium on internet/sweepstakes cafes as item #6A.

**MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the January 9, 2012 Agenda as modified.**

2. CONSENT AGENDA APPROVAL

**A. CITY CLERK'S OFFICE**

1. Minutes: December 19, 2011  
Board of County Commissioners Joint Workshop
2. Special Function Permits: Vintage Wheels Car & Truck Show
3. 2012 Mayoral City Board and Outside Organization Appointments
4. Legal Billing: Kirk Pinkerton  
Bryant Miller Olive

Commissioner Varnadore removed item 2A (3) for discussion.

**MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve items 2A, 1, 2 and 4 of the January 9, 2012 Consent Agenda**

Item #3

Referring to the Library Board of Trustees vacancy, Mayor Bryant explained Mrs. Bustle passed on the reappointment because Manatee County had advertised for applications for the seat. The appointment will be made at a later date.

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded to approve the appointments as posted in the agenda**

The following changes were also made to the appointments to outside organizations:

Manasota League of Cities	Brian Williams
Manatee Chamber of Commerce	Alan Zirkelbach

**The motion was amended to also approve the two additional modifications. Motion on the floor carried 5-0.**

3. SECOND PUBLIC HEARING: ORDINANCE NO. 2011-33

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, ZONING CODE, TO PROVIDE STANDARDS FOR FARM LABOR CAMPS AS A CONDITIONAL USE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Barnebey recommend that Commission continue the public hearing to allow for the Planning Commission's review and recommendation.

Mayor Bryant opened the public hearing.

**MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 2011-33 to January 23, 2012.**

4. RESOLUTION NO. 2012-01

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE/PURCHASE AGREEMENT WITH BRANCH BANKING AND TRUST (BB&T) AUTHORIZING A LEASE OF EQUIPMENT THEREUNDER; AUTHORIZING THE EXECUTION OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE TRANSACTIONS CONTEMPLATED HEREBY; AND PROVIDING AN EFFECTIVE DATE.

**MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 5-0 to adopt Resolution No. 2012-01.**

5. RESOLUTION NO. 2012-02

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, REGARDING THE CONTRIBUTION OF UP TO \$800,000 TO MANATEE COUNTY (COUNTY) TO CONSTRUCT A BALL FIELD COMPLEX IN THE CITY OF PALMETTO.

Attorney Barnebey explained that two minor changes had been made to the resolution contained in the agenda: (1) 2nd WHEREAS clause "was" changed to "were" and 2) 6<sup>th</sup> WHEREAS clause T Ball field was changed to softball field, based on comments from the Little League.

Discussion ensued on the reference to substandard ball fields in the second WHEREAS clause. Attorney Barnebey explained that particular WHEREAS clause was included in the resolution for historical purposes. The language may also help in finding funding from impact fees.

Following discussion of the type of fields presently at Blackstone Park and the type of fields the Little League is requesting, the 6<sup>th</sup> WHEREAS clause was amended to read: WHEREAS, it is understood that the Ball Field Complex, when completed, will consist of at least three regulation Little League Fields, concession stands, parking, and other related amenities; and the 7<sup>th</sup> WHEREAS clause was amended to read: WHEREAS, it is also understood that the design may also include an option for a fourth field, which may be constructed in future phases as funding becomes available.

**MOTION: Commissioner Zirkelbach moved and Commissioner Varnadore seconded to adopt Resolution No. 2012-02, removing the parenthesis under WHEREAS clause #6 and removing the parenthesis under WHEREAS clause #7.**

Discussion: Discussion ensued on the County Commissioner's meeting scheduled for January 10, 2012 at 9:30 a.m. Mayor Bryant reiterated her intent to inform the County Commissioner that the City has \$800,000 to contribute to the project. She also commented on the School Board property that may be donated to the City, with those funds, based on current appraisal, to also go to the ball fields. However, that commitment must come from the School Board, not just a School Board representative.

**Motion on the floor carried 5-0.**

#### 6. REDISTRICTING OF WARD BOUNDARIES (Carried forward from Workshop)

Attorney Barnebey stated he received an email earlier this afternoon, estimating the cost to be \$9,000. The firm will perform a six-part part review and will include three options and three meetings with the City.

**MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 4-1 to authorize the Mayor to negotiate and enter into a contract with Florida State University to propose revisions to ward boundaries for consideration by the Commission, subject to city Attorney approval, with a not to exceed amount of \$9,000 without further consideration approval. Commissioner Cornwell voted no.**

#### 6A PROPOSED ORDINANCE NO. 2012-01

Attorney Barnebey explained the topic is a proposed emergency ordinance to place a moratorium on internet/sweepstakes cafes until December 31, 2012. The ordinance is necessary because the City does not currently have an ordinance governing these types of establishments; they are currently processed as a recreational facility with conditional use. Commissioner Zirkelbach asked that the moratorium date be moved to September 30, 2012 because of the end of his term.

The title to Ordinance No. 2012-01 was read into the record, as follows:

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA DECLARING A MORATORIUM AS TO THE FILING AND/OR APPLICATION FOR THE ESTABLISHMENT OF BUSINESSES KNOWN AS INTERNET OR SWEEPSTAKES CAFES AS DEFINED HEREIN; PROVIDING SUSPENSION OF ANY SUCH ZONING, PERMITTING AND LICENSING; PROVIDING THAT SAID MORATORIUM SHALL BE IN EFFECT FOR A DATE ENDING SEPTEMBER 30, 2012 OR SHALL TERMINATE ON THE EFFECTIVE DATE OF THE CITY'S ADOPTION OF LAND USE AND DEVELOPMENT REGULATIONS TO REGULATE INTERNET/SWEEPSTAKES CAFES; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Discussion ensued on the proposed ordinance. Commission made no changes to the verbiage.

**MOTION: Commissioner Zirkelbach moved, Commissioner Varnadore seconded and motion carried 5-0 to adopt Ordinance No. 2012-01.**

7. SELECTION OF VICE MAYOR

**MOTION: Commissioner Zirkelbach moved, Commissioner Smith seconded and motion carried 5-0 to nominate Mr. Williams as Vice Mayor.**

8. BASEBALL FIELD UPDATE

None

9. ASR WELL UPDATE

None

10. DEPARTMENT HEADS' COMMENTS

No comments.

11. MAYOR'S REPORT

Reported she had met with the contractor on the Haben Blvd roundabout. The project is on schedule and it is anticipated the work will be completed by mid February.

Commented on the ribbon cutting she attended at Monica's and the Non-violence Rally she, Chief Wells, Lt. Tyler and Commissioner Cornwell attended.

A new restaurant is opening in the old Mangrove Grill location. Bella Mia will open in mid January.

She called attention to the murals on display in the chamber that will be in the CRA's booth at the fair. The Woman's Club mural graces the shopping bag that will be distributed in the booth.

Reminded everyone the fair opens on Thursday.

12. COMMISSIONERS' COMMENTS

Mr. Smith

He requested the Chief Wells look into the parking issues that arise during the fair for the residents that live on 13<sup>th</sup> St. W.

Commissioner Gallen, a member of the Multi-Cultural event committee reported to him that the County Parks & Rec Department will not charge the \$1,400 rental fee for Lincoln Park if the City will agree to piggy-back on the grand opening of the Lincoln Park Splash Park. Commission agreed to participate in the grand opening. Commissioner Smith opined that the City needs to look at the lease agreement with the county for Lincoln Park.

Ms. Cornwell

The fair starts Thursday. The winner of the talent competitions will have automatic audition with a national competition. Thursday is the luncheon where the Citizen of the Year will be announced.

Reported her attendance at the non-violence event, which was delightful. It is hoped the event can be accomplished every 4 months.

Mr. Williams  
Go Tigers!

Mr. Zirkelbach  
Reported he will not be present at the January 23, 2012 meeting.

Commented on his participation in the YMCA focus group during its polling and the number of residents and business owners that were present at meetings.

Ms. Varnadore  
Wished everyone a healthy and prosperous new year.

Thanked John Foley for filling in for Allen Tusing.

13. PUBLIC COMMENTS FOR CITY COMMISSION  
None

Meeting adjourned at 8:04 p.m.

Minutes approved: January 23, 2012

*James R. Freeman*

James R. Freeman  
City Clerk